

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT MORROW,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-723-M
)	
MIKE MULLIN, Warden,)	
)	
Respondent.)	

ORDER

On September 30, 2009, United States Magistrate Judge Valerie Couch issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommends that respondent's motion to dismiss be granted and the petition for a writ of habeas corpus be dismissed as untimely pursuant to 28 U.S.C. § 2244(d). Petitioner was advised of his right to object to the Report and Recommendation by September 20, 2009. On October 16, 2009, petitioner filed his objections. Petitioner objects on the basis that facts were overlooked in his underlying case and that he is serving an illegal sentence.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the well-reasoned and thorough Report and Recommendation issued by the Magistrate Judge on September 30, 2009;
- (2) OVERRULES petitioner's objections to the Report and Recommendation;
- (3) GRANTS respondent's motion to dismiss; and
- (4) DISMISSES the petition for writ of habeas corpus without prejudice.

IT IS SO ORDERED this 19th day of October, 2009.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE